

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hoe-Won KIM

Examiner: Brian WHIPPLE

Serial No.: 10/692,895

Art Unit: 2452

Filed: October 24, 2003

Docket: 678-1055 (P10483)

Dated: January 16, 2009

For: **WIRELESS NETWORK AND METHOD FOR SHARING
FLEXIBLE DATA BETWEEN A MASTER AND SLAVES IN REAL
TIME**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

Enclosed please find APPELLANTS' BRIEF originally filed on September 29, 2008, incorporating changes set forth in the Notice of Non-Complaint Appeal Brief.

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Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT(S):	Hoe-Won KIM	ART UNIT:	2452
APPLICATION NO.:	10/692,895	EXAMINER:	Brian WHIPPLE
FILING DATE:	October 24, 2003	DATED:	January 16, 2009
FOR:	WIRELESS NETWORK AND METHOD FOR SHARING FLEXIBLE DATA BETWEEN A MASTER AND SLAVES IN REAL TIME		

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APPELLANT'S BRIEF ON APPEAL

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co., Ltd., the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no currently pending related appeals, interferences or judicial proceedings.

STATUS OF CLAIMS

Claims 1-5 stand rejected and are pending in the Appeal.

STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention, as recited in Claim 1, relates to a wireless network comprising a master, a plurality of slaves belonging to the master, and a shared channel connecting the master with the slaves. The master periodically and wirelessly sends identifier information for first data that the network contains to at least one slave, receives at least one request for data from at least one slave, finds the requested data, and wirelessly sends the requested data to the corresponding slave through the shared channel. A slave detects identifier information for second data that the slave itself does not contain and which excludes identifier information for third data that the slave itself contains from the identifier information for first data received from the master, requests the master to send the second data, wirelessly receives data through the shared channel, determines whether the received data is contained in its second data, updates identifier information for the received data in addition to identifier information for the third data and stores the received data in addition to the second data when the received data is contained in the second data, and requests the master to again send the second data when the received data is not contained in the second data. The data requested by the slave is received and stored by other slaves that need it simultaneously so flexible data between the

master and the slaves are shared in real time. (Specification, page 4, line 4, through page 6, line 25, and FIGS. 2 and 3)¹.

The invention, as recited in Claim 3, relates to a method for enabling any one of a plurality of slaves to receive data from a master through a shared channel to share flexible data in real time on a wireless network. Identifier information for first data, which the network contains, is wirelessly received from the master. Identifier information for second data that the slave itself does not contain, excluding identifier information for third data that the slave itself contains, is detected from the identifier information for the first data received from the master. Data is wirelessly received from the master through the shared channel, when there is identifier information for the second data. It is determined whether identifier information for the received data is contained in the identifier information for the second data. When identifier information for the received data is contained in the identifier information for the second data, the identifier information for the received data in addition to the identifier information for the third data is updated, and the received data in addition to the third data is stored. When identifier information for the received data is not contained in the identifier information for the second data, the identifier information for the second data is wirelessly sent to the master, and the master is requested to send the second data. (Specification, page 4, line 4, through page 6, line 25, and FIGS. 2 and 3).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-5 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,256,634 to *Moshaiov et al.* (hereinafter, *Moshaiov*) in view of U.S. Patent No. 6,119,016 to *Matusevich*.

¹ Although a citation for each feature of the claims is provided herein, Appellant notes that support may be found elsewhere in the written description.

ARGUMENT

The Examiner rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over one or more of *Moshaiov* and *Matusevich*.

I. Claims 1-5 are patentable over the combination of *Moshaiov* and *Matusevich*

A. Independent Claim 1

The Examiner contends that each element of Claim 1 is taught, suggested or rendered obvious by the combination of *Moshaiov* and *Matusevich*.² More specifically, the Examiner contends that *Moshaiov* teaches each element of Claim 1 with the exception of wirelessly sending and receiving data in a network. The Examiner cites *Matusevich* in an attempt to remedy this deficiency.³

Claim 1 recites, in part, a wireless network comprising a master, a plurality of slaves belonging to the master, and a shared channel connecting the master with the slaves. A slave detects identifier information for second data that the slave does not contain and requests the master to send the second data. Data is received and it is determined whether the received data is contained in the second data. The received data is stored when the received data is contained in the second data. The master is requested to again send the second data when the received data is not contained in the second data. The data requested by the slave is received and stored by other slaves that need it simultaneously.

Moshaiov describes a slave that receives a list of data item identification numbers from a master for comparison with a list of data item identification numbers in the slave's own database. The slave sends a request for a list of items to be updated after comparison, and the master sends only those specifically identified items to the slave.⁴ *Moshaiov* discloses that the method may be used in combination with other means of establishing a communication link between computers,

² See Final Office Action dated March 27, 2008, page 3.

³ See Final Office Action dated March 27, 2008, page 6.

⁴ See *Moshaiov*, column 16, line 59 through column 17, line 13.

and *Matusevich* describes synchronization in a wireless telecommunications system.⁵

While *Moshaiov* describes that a master sends specifically identified items to a slave after a slave sends a request for those specifically identified items to be updated, it fails to describe that the slave checks the received items to determine whether the items sent by the master are in fact the items requested by the slave. More specifically, *Moshaiov* fails to disclose a determination of whether the received data is contained in the second data, as recited in Claim 1.

The Examiner contends that if the slave requested the second data then receives the data from the server, it may be interpreted that the received data is contained in the second data, as otherwise the replication would not occur.⁶ However, Appellant asserts that a request for specific data does not necessarily result in the reception of this specific data. The Examiner cites a portion of the abstract of *Moshaiov* that describes a situation in which the slave fails to receive replication data.⁷ However, *Moshaiov* fails to describe the situation in which incorrect data is received after a request. Due to the possibility of receiving incorrect data, Claim 1 recites a determination of whether the received data is contained in the second data. *Moshaiov* fails to provide any disclosure relating to such a determination, as described above. *Moshaiov* also fails to disclose that another request is made for the data when the received data is not contained in the second data, as recited in Claim 1.

The Examiner also contends that if the plurality of slaves is requesting data from the master, then the data is for slaves that need it simultaneously.⁸ However, Claim 1 of the present invention clearly recites that the data requested by one slave is simultaneously received and stored by other slaves that need it. *Moshaiov* fails to provide any disclosure relating to the simultaneous reception and storage of data needed by one slave that was requested by another slave.

⁵ See *Matusevich*, Abstract.

⁶ See Final Office Action dated March 27, 2008, pages 4-5.

⁷ See *Moshaiov*, Abstract, lines 16-23.

⁸ See Final Office Action dated March 27, 2008, pages 5-6.

The Examiner further contends that the features upon which Appellant relies are not recited in the rejected claims.⁹ Appellant respectfully asserts that the Examiner has failed to appreciate the scope of the present invention. Claim 1 recites that a slave receives identifier information for first data that the network contains. The slave then detects identifier information for data it does not contain from the identifier information for the first data. More specifically, the slave determines which of the identifier information for the first data it contains (identifier information for the third data) and which it does not contain (identifier information for the second data). The slave then requests that the master send the data that it does not contain (second data). Upon reception of the data from the master, the server determines whether the received data is the data that was requested (second data). When the received data is contained in the second data the identifier information for the received data and the third data is updated, and the received data and the third data are stored. When the received data is not contained in the second data, the slave again requests the master to send the second data. Thus, Claim 1 clearly recites a situation in which incorrect data is received after a request.

Matusevich fails to provide any disclosure that remedies the deficiencies of *Moshaiov* described above. Thus, Claim 1 is patentable over the combination of *Matusevich* and *Moshaiov*.

B. Independent Claim 3

The Examiner also rejected independent Claim 3 under 35 U.S.C. §103(a) contending that Claim 3 contained similar recitations as those set forth in Claim 1.¹⁰

Claim 3 recites, in part, a method for enabling any one of a plurality of slaves to receive data from a master through a shared channel to share flexible data in real time on a wireless network. Identifier information for first data is received. Identifier information for second data that the slave does not contain excluding identifier information for third data that the slave contains is detected from the identifier information for the first data. Data is received from the master and it is determined whether identifier information for the received data is contained in the identifier

⁹ See Advisory Action dated July 14, 2008, page 2.

information for the second data. When the identifier information for the received data is contained in the identifier information for the second data, the identifier information for the received data and the third data is updated and stored. When the identifier information for the received data is not contained in the identifier information for the second data, identifier information for the second data is sent to the master and the master is requested to send the second data.

Appellant asserts that Claim 3 is patentable for at least the reasons presented above with regard to Claim 1. More specifically, Claim 3 recites that it is determined whether identifier information for the received data is contained in the identifier information for the second data, and that when identifier information for the received data is not contained in the identifier information for the second data, the identifier information for the second data is sent to the master and the master is requested to send the second data. As described above with regard to Claim 1, the combination of *Moshaiov* and *Matusevich* fails to teach, suggest or render obvious these steps.

Accordingly, the combination of *Moshaiov* and *Matusevich* fails to teach, suggest or render obvious each and every element of Claim 3. Therefore, it is respectfully submitted that Claim 3 is allowable over the combination of *Moshaiov* and *Matusevich*.

C. Dependent Claims 2, 4 and 5

Claims 2, 4 and 5 are patentable at least by virtue of their dependency from independent Claims 1 and 3. The patentability of Claims 1 and 3 is described above. Claims 2, 4 and 5 also recite patentable subject matter in their own right. It is respectfully submitted that because the above arguments place the independent claims in condition for allowance, these dependent claims are also believed to be in condition for allowance. Therefore, the combination of *Moshaiov* and *Matusevich* fails to teach suggest or render obvious every element of Claims 2, 4 and 5, and it is respectfully submitted that Claims 2, 4 and 5 are patentable over the combination of *Moshaiov* and *Matusevich*.

¹⁰ See Final Office Action dated March 27, 2008, pages 7-9.

Accordingly, Appellant asserts that Claims 1-5 are allowable over the combination of *Moshaiov* and *Matusevich*, and respectfully requests withdrawal of the rejection under 35 U.S.C. §103(a).


CONCLUSION

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claims 1-5 are taught or suggested by the art of record, or the combination thereof. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

As the Examiner has failed to make out a prima facie case for the obviousness rejection, the rejection of Claims 1-5 must be reversed.

Dated: January 16, 2009

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CLAIMS APPENDIX

1. (Rejected) A wireless network comprising a master, a plurality of slaves belonging to the master, and a shared channel connecting the master with the slaves;

wherein the master periodically and wirelessly sends identifier information for first data that the network contains to at least one slave, receives at least one request for data from at least one slave, finds the requested data, and wirelessly sends the requested data to the corresponding slave through the shared channel;

wherein a slave detects identifier information for second data that the slave itself does not contain and which excludes identifier information for third data that the slave itself contains from the identifier information for first data received from the master, requests the master to send the second data, wirelessly receives the data through the shared channel, determines whether the received data is contained in its second data, updates identifier information for the received data in addition to identifier information for the third data and stores the received data in addition to the third data when the received data is contained in the second data, and requests the master to again send the second data when the received data is not contained in the second data; and

whereby the data requested by the slave is received and stored by other slaves that need it simultaneously so flexible data between the master and the slaves are shared in real time.

2. (Rejected) A wireless network according to claim 1, wherein the master is a base station, and each of the slaves is a mobile wireless terminal.

3. (Rejected) A method for enabling any one of a plurality of slaves to receive data from a master through a shared channel to share flexible data in real time on a wireless network, comprising:

wirelessly receiving identifier information for first data, which the network contains from the master;

detecting identifier information for second data that the slave itself does not contain and excluding identifier information for third data that the slave itself contains from the identifier information for the first data received from the master;

when there is identifier information for the second data, wirelessly receiving data from the master through the shared channel;

determining whether identifier information for the received data is contained in the identifier information for the second data;

when identifier information for the received data is contained in the identifier information for the second data, updating the identifier information for the received data in addition to the identifier information for the third data, and storing the received data in addition to the third data; and

when identifier information for the received data is not contained in the identifier information for the second data, wirelessly sending the identifier information for the second data to the master, and requesting the master to send the second data.

4. (Rejected) A method according to claim 3, wherein the master is a base station, and each of the slaves is a mobile wireless terminal.

5. (Rejected) A method according to claim 3, further comprising, when there is no identifier information for the second data, returning to the step of receiving the identifier information, after waiting for a predetermined time.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. 1.130, 1.131, 1.132 or entered by the Examiner and relied upon by Appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.